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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/980.885	12/01/97	ROWLAND	W RFX-349

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EXAMINER	
PHAN, J	
ART UNIT	PAPER NUMBER
2872	19

DATE MAILED: 07/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/980,885

Applicant(s)

Rowland et al

Examiner

James Phan

Group Art Unit

2872



☒ Responsive to communication(s) filed on May 2, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-8 and 15-21 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-8 and 15-21 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2872

**DETAILED ACTION**

Applicant's amendment filed 5/2/00 necessitates the following new ground(s) of rejection.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

1. Claim 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "between about 0.0005 and 0.003 inches" recited in claims 21 (line 4) is indefinite since it is not clear whether 0.0005 and 0.003 inches are included in the range.

***Claim Rejections - 35 USC § 102.***

2. Claim 21 ( the examiner assumes that 0.0005 and 0.003 are included in the range of "between about 0.0005 and 0.003 inches" since about 0.0005 can be smaller or greater than 0.0005 and about 0.003 can be smaller or greater than 003) is rejected under 35 U.S.C. 102(b) as being anticipated by Van Arnam.

Van Arnam, column 7, lines 1-4, discloses cube corner trigonal pyramids having size of about 0.003 to about 0.015 inch along the side of the base of the pyramids. Thus, the disclosed length of "about 0.003", i.e. smaller or equal to 0.003, is within the claimed range.

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3. Claims 1-3, 5-8 and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,565,151 to Nilsen.

In re claims 1-3, 5-8 and 15-16 Nilsen clearly discloses the claimed invention.

In re claims 17-20 the retroreflective structure disclosed in Nilsen inherently diffracts essentially all incoming light since the cube corner prisms of the retroreflective structure have a very small size, i.e. between 0.0005 inches and 0.006 inches (column 3, lines 14-15).

4. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Stamm.

Stamm discloses a retroreflective structure having an array of cube corner prisms which diffracts incoming light so as to form retroreflected light at a desired divergent angle.

***Claim Rejections - 35 USC § 103***

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsen in view of admitted prior art, U.S. 5,558,740 disclosed on page 12, first paragraph, of the present application.

Nilsen discloses all claimed features except for arrays of prisms seamed together. The admitted prior art, U.S. 5,558,740, disclosed on page 12, first paragraph, discloses the claimed feature. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of the admitted prior art in Van Arnem or Nilsen for increasing the size of the retroreflective sheeting.

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*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to James Phan whose telephone number is (703) 308-4810. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Phan, J.

July 15, 2000

  
**James Phan**  
**Primary Examiner**